

Amendment and Response
Serial No.: 09/822,651
Confirmation No.: 9447
Filed: 30 March 2001
For: WEB HAVING DISCRETE STEM REGIONS

RECEIVED
CENTRAL FAX CENTER
DEC 18 2006

Page 9 of 11

Remarks

The Office Action mailed 23 August 2006 has been received and reviewed. Claim 83 has been amended and claim 84 has been canceled. In addition, new claims 109-111 are presented herein. As a result, claims 71-79, 81-83, 85-90, and 92-111 are pending in the present application after entry of the amendments and new claims presented herein. Reconsideration and withdrawal of the rejections are respectfully requested.

The 35 U.S.C. §102 Rejection

The Examiner maintained the rejection of claims 71-79, 81-84, 86-90, 92-106, and 108 under 35 U.S.C. §102(b) as being anticipated by Wessels et al. (U.S. Patent No. 5,699,120). This rejection is respectfully traversed.

Applicants note that each of independent claims 71, 83, and 94 recites, *inter alia*, that "each discrete polymeric region of the plurality of discrete polymeric regions comprises a discrete patch having a perimeter that is entirely bordered by the first major side of the substrate." In contrast, Wessels et al. discloses only constructions in which polymeric regions on the first major side of the substrate are continuous, i.e., do not "have a perimeter that is entirely bordered by the first major side of the substrate." *See, e.g.*, Wessels et al., Figures 3 and 6-8.

In addition, Applicants respectfully submit that Wessels et al. also does not teach the use of a nonwoven web for a substrate as recited in dependent claims 77 and 101. In contrast, Wessels et al. teaches only the use of knitted or woven substrates.

As a result, Applicants respectfully submit that Wessels does not anticipate independent claims 71, 83, and 94 (or their respective dependent claims 72-79, 81, 82, 86-90, 92, 93, 95-106, and 108). Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Amendment and Response

Serial No.: 09/822,651

Confirmation No.: 9447

Filed: 30 March 2001

For: WEB HAVING DISCRETE STEM REGIONS

Page 10 of 11

The 35 U.S.C. §103 Rejection

The Examiner maintained the rejection of claims 85 and 107 under 35 U.S.C. §103(a) as being unpatentable over Wessels et al. (U.S. Patent No. 5,699,120) in view of Murasaki (U.S. Patent No. 5,643,651). This rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

Applicants submit that a *prima facie* case of obviousness of claims 85 and 107 over Wessels et al. in view of Murasaki has not been established. As stated above in regard to the anticipation rejection of independent claims 83 and 94 (from which claims 85 and 107 depend), Wessels et al. does not teach every element of claims 83 and 94.

Nor does Murasaki remedy the deficiencies of Wessels et al. Rather, Murasaki also teaches articles in which polymeric regions on the first major side of the substrate are continuous, i.e., do not "have a perimeter that is entirely bordered by the first major side of the substrate."

For at least these reasons, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claims 85 and 107. Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

New Claims 109-111

New claims 109-111 are presented to provide Applicants with more comprehensive protection. Applicants respectfully submit that new claims 109-111 are patentable as presented, noting that, among other things, new claims 109-111 each recite that "the polymer of the plurality of polymeric regions does not extend through the substrate to the second major side of the

RECEIVED
CENTRAL FAX CENTER

DEC 18 2006

Page 11 of 11

Amendment and Response

Serial No.: 09/822,651

Confirmation No.: 9447

Filed: 30 March 2001

For: WEB HAVING DISCRETE STEM REGIONS

substratc." Entry, consideration and allowance of new claims 109-111 are, therefore, respectfully requested.

Summary

It is respectfully submitted that pending claims 71-79, 81-83, 85-90, and 92-111 are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

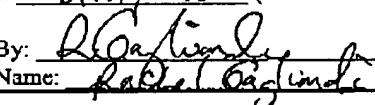
Respectfully submitted
By
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Phone: (612) 305-1220
Facsimile: (612) 305-1228

18 DEC. 2006
Date

By: 
Kevin W. Raasch
Reg. No. 35,651
Direct Dial (612) 305-1218

CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18th day of December, 2006, at 2:11 p.m. (Central Time).

By: 
Name: Rachel Onglindra